

4169  
1 BILL NO. G-78-09- 15

2 GENERAL ORDINANCE NO. G- 05-79

3 AN ORDINANCE amending General Ordinance  
4 No. G-97 by authorizing the vacation of  
5 a certain alley.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
7 INDIANA:

8 SECTION 1. That petition for the vacation of a certain alley having  
9 been filed with the Fort Wayne City Plan Commission in accordance with  
10 Section 44, Chapter 174, of the Acts of the General Assembly of the State of  
11 Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the  
12 General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare  
13 Plan as set forth in General Ordinance No. G-97 adopted by the Common Council  
14 of the City of Fort Wayne on November 26, 1963, is amended by deleting the  
15 following alley, to wit:

16 The portion of the alley running North and South between  
17 Covington Road and Whitmore Street, which abuts Lots 8,  
18 9, and 10 on the East and Lots 11, 12, and 13 on the  
19 West in Park's Addition, Section 15, Township 30 North,  
20 Range 12 East, Allen County, Indiana, except that part  
of said alley which is adjacent to the North twelve  
(12) feet of Lots 8 on the East and the North twelve  
(12) feet of Lot 13 on the West.

21 SECTION 2. That after passage of this Ordinance, approval by the  
22 Mayor and legal publication, a duly certified copy of this Ordinance, of  
23 the recommendation of the Fort Wayne City Plan Commission, and of the  
24 action of the Mayor, shall be transmitted by the City Clerk to the Board  
25 of Public Works of the City of Fort Wayne, Indiana.

26 SECTION 3. That this Ordinance shall be in full force and effect  
27 from and after its passage, approval by the Mayor and legal publication  
28 thereof.

29  
30   
31 Councilman  
32

APPROVED AS TO FORM  
AND LEGALITY, \_\_\_\_\_

  
CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 9/12/78

Charles W. Whitman  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage.  
PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	<u>X</u>	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 2-27-79

Charles W. Whitman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP). (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 205-79 on the 27th day of February, 1979.  
ATTEST: (SEAL) Winfield C. Mayo Jr

Charles W. Whitman  
CITY CLERK

Winfield C. Mayo Jr  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of February, 1979, at the hour of 3:00 o'clock 3 M., E.S.T.

Charles W. Whitman  
CITY CLERK

Approved and signed by me this 7th day of March, 1979, at the hour of 2:30 o'clock 3 M., E.S.T.

Robert H. Heston  
MAYOR

G-78-09-15

Bill No. \_\_\_\_\_

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending General Ordinance No. G-97 by authorizing the  
vacation of a certain alley

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance 60 PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

2-27-79 COM. 100-100  
DATE \_\_\_\_\_ CH

*John Nuckols*  
*Samuel J. Talarico*  
*Vivian G. Schmidt*  
*James S. Stier*  
*William T. Hinga*

## RESOLUTION NO. 67-42-8

WHEREAS, RONALD P. and NANCY E. JASPER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, to-wit:

The portion of the alley running North and South between Covington Road and Whitmore Street, which abuts Lots 8, 9 and 10 on the East and Lots 11, 12 and 13 on the West in Park's Addition, Section 15, Township 30 North, Range 12 East, Allen County, Indiana, except that part of said alley which is adjacent to the North twelve (12) feet of Lots 8 on the East and the North twelve (12) feet of Lot 13 on the West.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and the through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public and private utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA )  
COUNTY OF ALLEN ) ss:

I, Henry P. Wehrenberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works Meeting held on February 7, 1979 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 7<sup>th</sup> DAY OF February 1979  
FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg  
Henry P. Wehrenberg, Chairman

Ethel H. LaMar, Member

Max G. Scott, Member

## RESOLUTION

WHEREAS, RONALD P. and NANCY E. JASPER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

The portion of the alley running North and South between Covington Road and Whitmore Street, which abuts Lots 8, 9 and 10 on the East and Lots 11, 12 and 13 on the West in Park's Addition, Section 15, Township 30 North, Range 12 East, Allen County, Indiana, except that part of said alley which is adjacent to the North twelve (12) feet of Lots 8 on the East and the North twelve (12) feet of Lot 13 on the West

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been give by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 16, 1978, at 7:30 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.


BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

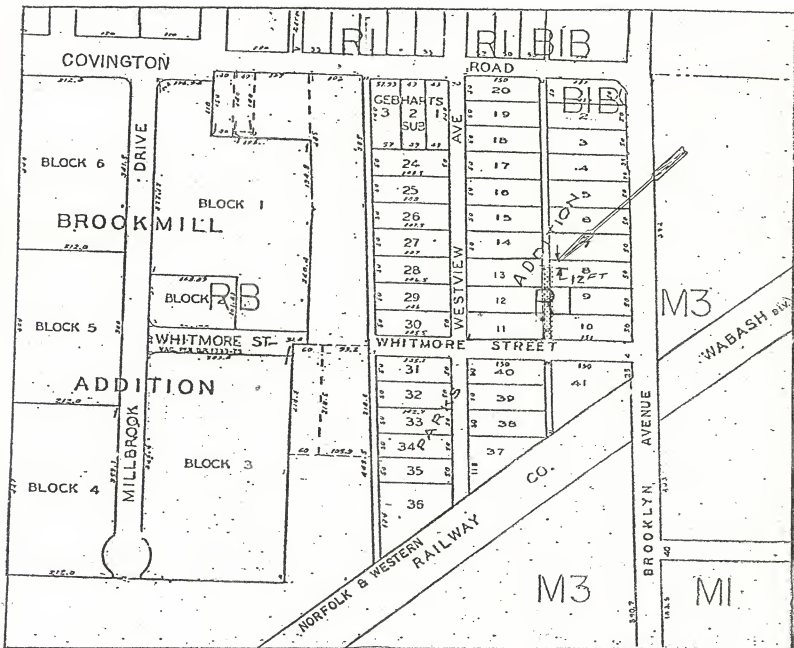
STATE OF INDIANA )  
                              ) SS:  
COUNTY OF ALLEN )

I, Thomas Adams, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held October 16, 1978, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6th DAY OF February 1979

FORT WAYNE CITY PLAN COMMISSION

  
Thomas Adams  
Secretary



VACATE

ALLEY

MAP NO. J-7

G-78-09-15

BY M.F.C. 5-16-78



# RECEIPT

Date

1978

No.

10154

Received From

Address

For

Dollars \$

ACCOUNT

HOW PAID

AMT. OF  
ACCOUNT

CASH

AMT. PAID

CHECK

BALANCE  
DUE

MONEY  
ORDER

By

DEDICATION OF EASEMENT FOR AN ALLEY

The undersigned, Ronald P. Jasper and Nancy E. Jasper, husband and wife, being over eighteen (18) years of age of Allen County, Indiana, being the owners of Lot 13 in Park's Addition, Allen County, Indiana,

Do hereby dedicate an easement for alley purposes over the following described real estate, to-wit:

The North twelve (12) feet of Lot 13 in Park's Addition, Section 15, Township 30 North, Range 12 East, Allen County, Indiana.

The undersigned and their successors in interest do hereby grant, dedicate and convey to the public an easement for alley purposes over the above described real estate.

Witness our hands and seals this 5<sup>th</sup> day of July, 1978.

Ronald P. Jasper (SEAL)  
Ronald P. Jasper

Nancy E. Jasper (SEAL)  
Nancy E. Jasper

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ALLEN )

Before me, a notary public in and for said County and State this 5<sup>th</sup> day of July, 1978, personally appeared Ronald P. Jasper and Nancy E. Jasper, husband and wife, each being over eighteen (18) years of age, and acknowledged the execution of the above Dedication to be their voluntary act and deed.

Mary L. Schneider  
NOTARY PUBLIC, ALLEN CO., IN.

My Commission Expires:

2-12-79

Prepared by Ralph R. Blume



PETITION TO VACATE A PORTION OF THE ALLEY RUNNING NORTH AND SOUTH  
BETWEEN COVINGTON ROAD AND WHITMORE STREET

TO: The City Plan Commission  
City of Fort Wayne, Indiana

The undersigned petitioners do hereby respectively petition the Fort Wayne City Plan Commission to vacate the following portion of an alley, within the City of Fort Wayne, Indiana, and hereby described as follows:

The portion of the alley running North and South between Covington Road and Whitmore Street, which abuts Lots 8, 9, and 10 on the East and Lots 11, 12, and 13 on the West in Park's Addition, Section 15, Township 30 North, Range 12 East, Allen County Indiana, except that part of said alley which is adjacent to the North twelve (12) feet of Lots 8 on the East and the North twelve (12) feet of Lot 13 on the West.

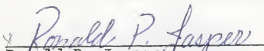
In support thereof, your petitioners would represent as follows:

1. That they are the owners of the real estate abutting both sides of the portion of the alley described above.
2. That this portion of the alley is not necessary as ingress or egress to other properties whatsoever.
3. That said portion of the alley is unopened and unimproved.
4. That no other person, firm or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said portion of the alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City of Fort Wayne and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described portion of an alley, be vacated according to the provisions of the Indiana law pertaining thereto.


Dated this 30<sup>th</sup> day of June, 1978.

  
Ronald P. Jasper  
6934 Riverton Drive  
Fort Wayne, Indiana

  
Nancy E. Jasper

and

BLUME, WYNEKEN & BULLMAN

By   
Ralph R. Blume  
Attorneys for Petitioners  
344 Utility Building  
Fort Wayne, Indiana 46802  
Telephone: 219-423-3525

JASPER & SONS, INC.  
Truck Sales & Service Specialists

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PHONE 219/432-9425 • 2750 BROOKLYN AVE. • FORT WAYNE, INDIANA 46804

January 29, 1979

Mr. Gary F. Baeten  
The City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Dear Gary,

In reference to vacation of the alley as described in Bill # G-78-09-15, we will meet the following conditions.

One; We will dedicate a 14 ft. alley along the north line of lot # 13, between Westview Avenue and the North-South Alley being vacated.

Two; The south right-of-way, of the new alley, along the north side of lot # 13, shall be fenced and the East Line of Westview Avenue abutting lots # 11, 12, and 13, shall be fenced.

Jasper and Sons, Inc. agree to these conditions and will start construction of the fencing as soon as the weather will permit.

Thank you for your help and consideration.

Very Truly Yours,



Ronald P. Jasper, Pres.  
Jasper and Sons, Inc.